

REMARKS

Claim 1 is amended herein by limiting the aryl group and the 5- to 7-membered heterocyclic group in the definition of R^2 and by deleting a saturated or unsaturated bicyclic or ticyclic condensed heterocyclic group from the definition of R^2 . Claim 1 is further amended by moving the phrase “which may have a substituent” in the definitions of “a saturated or unsaturated -5 to -7 membered heterocyclic group” and “a saturated or unsaturated bicyclic or tricyclic condensed heterocyclic group” to the end of these phrases for clarification.

Claim 24 is herein by moving the phrase “which may have a substituent” to the end of the claim for clarification and to indicate that the substituent is one or 2 or 3, which may be the same or different, selected from group (C).

Claims 25-26 are canceled herein.

Claim 27 is amended for clarification and to indicate that the oxazolyl, pyridyl, oxadiazolyl, imidazapyridyl, imidazothiazolyl or benzothiazolyl group may have a substituent and that said substituent is one or 2 or 3, which may be the same or different, selected from group (C) recited in claim 1. Claim 27 is further amended to recite “or a salt thereof”.

Withdrawn claim 28 is amended to define formula (I) to be consistent with claim 1. Rejoinder of claim 28 is respectfully requested.

New claims 29-31 are added, which are directed to preferred embodiments of the claimed invention.

Support is found, for example, at page 9, lines 3-14, Example 3 and Example 139 and the original claim.

No new matter is presented.

I. Preliminary Matters

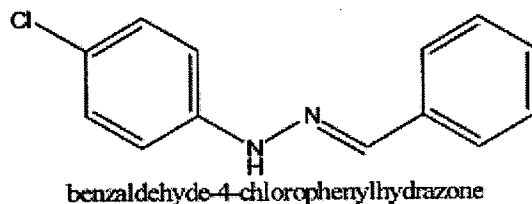
The Office Action indicates that claims 1, 6-8, 10, 14-19 and 24-28 are pending in the application; claims 1, 6 and 14 are rejected; and claims 1, 6, 10, 14, 24 and 27 are objected to. Claims 7, 8, 15-19, 25, 26 and 28 are indicated as being withdrawn from consideration.

Applicants note that claims 16-17 were canceled in the Amendment filed January 26, 2009. Clarification is requested for the record from the Examiner. A PTO 892 Form, which lists a new reference cited by the Examiner, is attached to the Office Action.

II. Election/Restrictions

The Examiner has acknowledge Applicant's election without traverse of Group I and the further election of the compound of Example 3 (4-pyridinecarboxyaldehyde 4-(oxazole-5-yl)phenylhydrazone).

The Examiner further indicates that the elected species compound has been found allowable and, in accordance with the provisions of MPEP § 803.02, the search has been expanded to the following compound:



Claims 1, 6, 10, 14, 24 and 27 have been examined to the extent that they are readable on the elected embodiment, the elected species and the species identified above. Claims 7-8, 15-19, 25-26 and 28 have been withdrawn from further consideration as being drawn to non-elected subject matter.

III. Claim Objection

Claims 1, 6, 10, 14, 24 and 27 are objected to as containing non-elected subject matter. The Examiner states that claims drawn solely to the elected embodiment would overcome this objection.

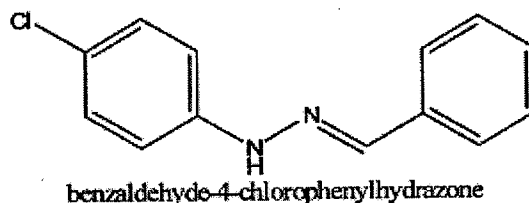
Applicants respectfully submit that the present claims as amended are not anticipated nor rendered obvious by the art of record nor is the elected species anticipated or rendered obvious by the art of record as discussed below. Thus, Applicants submit that the present claims should be examined in accordance with the provisions of MPEP § 803.02.

Accordingly, Applicants respectfully request withdrawal of the objection to the claims.

IV. Response to Claim Rejections under 35 U.S.C. § 102

Claims 1, 6 and 14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by J.T. Hewitt (Chlorinated Phenylhydrazines).

The Examiner relies on the disclosure of a benzaldehydeparachlorophenylhydrazone at page 873, line 3 in the reference, which the Examiner asserts has the following structure:



Applicant traverse the rejection.

Applicants submit that the above-identified compound is not within the scope of claim 27 prior to amendment, wherein G represents a fluorine atom, iodine atom, 2-fluoroethyl, 3-fluoropropyl, methoxy, oxazolyl, pyridyl, oxadiazolyl, imidiazopyridyl, imidazothiazolyl or benzothiazolyl. Therefore, claim 27 is not anticipated by the reference.

Further, without conceding the merits of the rejection, claim 1 is amended herein to recite that the aryl group in the definition of R^2 is a substituted aryl group selected from the group consisting of phenyl, naphthyl, anthryl, phenanthryl and biphenyl. Claim 1 is further amended to limit the 5- to 7-membered heterocyclic group in the definition of R^2 and by deleting a saturated or unsaturated bicyclic or tricyclic condensed heterocyclic group from the definition of R^2 .

The benzaldehydeparachlorophenylhydrazone compound taught by Hewitt is not within the scope of amended claim 1 and therefore Hewitt does not anticipate the presently claimed invention. Further, there is no apparent reason to modify the disclosure of Hewitt with a reasonable expectation of success in achieving the claimed invention.

Claims 6 and 14 depend from claim 1 and are patentable over the cited art for at least the same reasons.

Accordingly, Applicants respectfully request withdrawal of the anticipation rejection under 35 U.S.C. § 102 based on Hewitt et al.

Applicants further note that claims 10, 24, 27 and new claims 29-31 depend directly, or indirectly from claim 1 and read on the elected invention and are patentable for at least the same reasons as claim 1.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
Application No.: 10/551,414

Attorney Docket No.: Q90666

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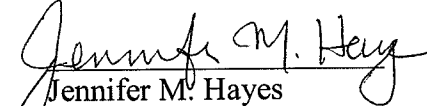
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CUSTOMER NUMBER

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Respectfully submitted,


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